

1 **UNITED STATES DISTRICT COURT**  
2 **DISTRICT OF NEVADA**  
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4 ORLANDO FELIX PAGULAYAN, et al.,

5 Plaintiffs,

6 v.

7 ALLIED HOME MORTGAGE CAPITAL  
8 CORPORATION, et al.,

9 Defendants.

Case No. 2:10-CV-01849-KJD-LRL


**ORDER**

10 Currently before the Court is Defendants Bank of America, Recontrust Company, N.A., and  
11 U.S. Bank, N.A.'s Motion to Dismiss (#5), filed October 28, 2010. To date, Plaintiffs have failed to  
12 file points and authorities in opposition to Defendants' Motion as allowed by Local Rule 7-2. Local  
13 Rule 7-2(d) allows the Court to consider failure to file points and authorities in opposition as consent  
14 to the granting of the motion.

15 Additionally, the Court has reviewed Defendants' Motion, and finds it to have merit.  
16 Defendants seek that the Court dismiss Plaintiffs' claims pursuant to fed. R. Civ. P. 12(b)(6) for  
17 failure to state a claim upon which relief can be granted. Specifically, Defendants aver that  
18 Recontrust had the proper authority to record the Notice of Default, that Defendants satisfied N.R.S.  
19 §§ 107.087 and 107.085, and that Plaintiffs' argument regarding the power of sale is unsupported.

20 Accordingly, **IT IS HEREBY ORDERED** that Defendants Bank of America, Recontrust  
21 Company, N.A., U.S. Bank, N.A.'s Motion to Dismiss (#5) is **GRANTED** pursuant to LR 7-2(d).

22 DATED this 22nd day of November 2010.

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Kent J. Dawson  
25 United States District Judge  
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